

REMARKS

In the aforesaid Office Action, the drawings and specification were objected to, claims 1, 9-12 and 15 were rejected under 35 USC §102(b) as being anticipated by Miraki (U.S. Patent No. 5,951,513), claims 1-4 were rejected under 35 USC §102(b) as being anticipated by Songer et al. (U.S. Patent No. 4,892,519), claims 5-8 were rejected under 35 USC 103(a) as being unpatentable over Songer et al. alone, claims 13-14 were rejected under 35 USC 103(a) as being unpatentable over Songer et al. in view of Muni et al. (U.S. Patent No. 5,533,968), and claim 16 was rejected under 35 USC §103(a) as being unpatentable over Songer et al. in view of Brown (U.S. Patent No. 6,096,056). Claims 1-8 and 10-23 are pending (new claim 23 being added by this amendment), and claims 17-22 are withdrawn from consideration.

The Examiner objected to the drawings as failing to show where the transverse cross section “10-10” is taken from in Fig. 8. In response, Applicant has amended the specification to clarify that Fig. 10 illustrates Fig. 9 after the tool 103 is removed.

The Examiner objected to the specification, stating that on page 4, line 17, the description should read –Fig. 4- not “Fig. 3”. Applicant has amended the specification as suggested by the Examiner.

The Examiner rejected claims 1, 9-12 and 15 under 35 USC §102(b) as being anticipated by Miraki, stating that Miraki Fig. 3 shows a balloon catheter with an outer tubular member 20a and an inner tubular member 22a partially attached by two junctures 24a, and that a juncture is interpreted as something providing means to join two things.

However, Miraki does not disclose or suggest the outer tubular member having at least two secured portions formed by the inner surface of the outer tubular member being bonded to the outer surface of the inner tubular member, as required by amended claim 1. Instead, Miraki discloses providing webs/ frenulas 24a extending between the inner and outer tubular members 22a, 20a to form connections therebetween. In Miraki, the inner surface of the outer tubular member is secured to the web/frenula.

The Examiner rejected claims 1-4 under 35 USC §102(b) as being anticipated by Songer et al., stating that it can be interpreted that the balloon catheter of Songer et al. has an outer tubular member 12 with an inner tubular member 11 partially attached at a juncture shown in Fig. 4, and that as a result of the openings (i.e., the perfusion ports) some of the juncture is not bonded. However, Songer et al. does not disclose or suggest bonding the outer tubular member to the inner tubular member at secured portions, the secured portions being separated from each another by sections of the inflation lumen. In contrast, in Songer et al. the perfusion ports separate the secured portions of the outer tubular member 12 which are bonded to the inner tubular member 11.

The Examiner rejected claims 5-8 under 35 USC §103(a) as being unpatentable over Songer et al. alone, claims 13-14 under 35 USC §103(a) as being unpatentable over Songer et al. in view of Muni et al., and claim 16 under 35 USC §103(a) as being unpatentable over Songer et al. in view of Brown. However, as set forth above, Songer et al. does not disclose or suggest a catheter having an outer tubular member bonded to the inner tubular member at secured portions separated from each another by sections of the inflation lumen.

Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO/SB/08A, and request that they be considered by the Examiner. This Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(c)(2), and therefore the fee set forth in 1.17(p) is due.

In light of the above amendments and remarks, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE SPECIFICATION

The paragraph at page 4, lines 17-18 is amended as follows:

Fig. 5 is a transverse cross sectional view of the catheter system of Fig. [3] 4, taken along lines 5-5.

The paragraph at page 5, lines 10-12, is amended as follows:

Fig. 10 [is a transverse cross sectional view of the catheter system of Fig. 8 taken along lines 10-10] illustrates the catheter transverse cross sectional view shown in Fig. 9 after [the partial attachment of the inner and outer members with] the tool of Fig. 3 is removed.

IN THE CLAIMS

Claim 9 is cancelled.

Claim 23 is added.

Claims 1-8 and 10-13 are amended as follows:

1. (Amended) A balloon catheter, comprising:

an elongated shaft with proximal and distal shaft sections and an inflation lumen extending therein;

an inflatable balloon on the distal shaft section and in surrounding relation thereto having proximal and distal ends, an intermediate section longitudinally disposed

between the balloon proximal and distal ends, and an interior chamber in fluid communication with the inflation lumen; and

an outer tubular member having an inner surface defining at least a portion of the inflation lumen, and an inner tubular member disposed [within at least a portion of the outer tubular member, the outer and inner tubular members defining at least a portion of the inflation lumen] at least in part within the inflation lumen, the inner tubular member having an inner lumen configured for slidably receiving a guidewire therein[;], [the outer and inner tubular members being partially attached at least one juncture proximal to the balloon proximal end] the outer tubular member having at least two secured portions formed by the inner surface of the outer tubular member being bonded to the outer surface of the inner tubular member, the secured portions being separated from each other by sections of the inflation lumen and being radially adjacent to unsecured portions of the outer tubular member, and the unsecured portions radially adjacent to the secured portions define sections of the inflation lumen in fluid communication with each other via a section of the inflation lumen located proximal to the secured portions.

2. (Amended) The catheter of Claim 1 wherein at least one [juncture] of the at least two secured portions has a longitudinal dimension ranging from about 1 to about 4 mm.

3. (Amended) The catheter of Claim 2 wherein at least one [juncture] of the at least two secured portions has a longitudinal dimension ranging from about 2 to about 4 mm.

4. (Amended) The catheter of Claim 3 wherein at least one [juncture] of the at least two secured portions has a longitudinal dimension ranging from about 1 to about 2 mm.

5. (Amended) The catheter of Claim 1 wherein [the] at least [on juncture] one of the at least two secured portions has a radial dimension ranging from about 0.5 to about 3 mm.

6. (Amended) The catheter of Claim 5 wherein at least one [juncture] of the at least two secured portions has a radial dimension ranging from about 1 to about 2 mm.

7. (Amended) The catheter of Claim 1 wherein [the] at least one [juncture] of the at least two secured portions is proximally spaced apart from the balloon proximal end in a range up to about 3 mm.

8. (Amended) The catheter of Claim 7 wherein [the] at least one [juncture] of the at least two secured portions is proximally spaced apart from the balloon proximal end in a range up to about 1 mm.

10. (Amended) The catheter of Claim [9] 1 wherein the [junctures] secured portions are located along the same length of the catheter.

11. (Amended) The catheter of Claim [9] 1 wherein the [junctures] secured portions are longitudinally spaced apart.

12. (Amended) The catheter of Claim [9] 1 wherein the [junctures] secured portions are disposed radially at substantially equal distance from one another.

13. (Amended) The catheter of Claim 1 wherein [at least an] the inner surface of the outer tubular member is formed of a first material and the [at least the] outer surface of the inner tubular member is formed of a second material, the first and second material being bondable to one another.